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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,250	11/19/2001	Akitoshi Mesaki	1614.1198	8395

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EXAMINER

ROJAS, OMAR R

ART UNIT

PAPER NUMBER

2874

DATE MAILED: 06/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/988,250

Applicant(s)

MESAKI, AKITOSHI

Examiner

Omar Rojas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-12 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on November 19, 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The prior art documents submitted by applicant in the Information Disclosure Statement(s) filed on December 13, 2001 have all been considered and made of record (note the attached copy of form(s) PTO-1449).

### ***Specification***

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 7, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated

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by US 6,181,854 to Kojima et al. (hereinafter "Kojima").

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Regarding claims 1-2, 7, and 9, Kojima discloses the claimed invention as seen in Figures 2, 4, and 12A. Kojima shows an optical module (see Fig. 2) comprising: a ferrule (8); a member (20) inserted with the ferrule; a sealed container (2) having an optical system (12); a resin portion (32, see Fig. 4); and first and second communication paths (60b) provided in the ferrule (as seen in Fig. 12A). See also columns 3-4.

**6. Claims 1-3 and 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,293,711 to Sasaki.**

Regarding claims 1-2, 7, and 9, Kojima discloses the claimed invention as seen in Figures 9 and 14-17. Sasaki shows an optical module comprising: a ferrule (80); a member (100) inserted with the ferrule; a sealed container (62) having an optical system (72); a resin portion (44, see Fig. 9); and first and second communication paths (86, 88) provided in the ferrule (as seen in Fig. 14). Regarding claim 7, as seen in Fig. 8, the ferrule may project from the member so as not to be encapsulated by the resin (44). Regarding claim 9, a connector section (112b) is also shown. See also columns 8-9.

Regarding claim 3, as seen in Fig. 17, the ferrule (80) has a substantially cylindrical outer surface and the member (100) has a cylindrical inner peripheral surface (105).

Regarding claim 8, Sasaki also teaches a space (90) as seen in Fig. 14 which allows the first and second paths (86, 88) to communicate with each other.

***Allowable Subject Matter***

**7. Claims 10-12 are allowed.**

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8. Claims 4-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 10-12, the prior art does not disclose or suggest, alone or in combinations, a method for producing an optical module comprising all the recited steps particularly: (a) placing the ferrule and the member within a mold; and (b) supplying gas to the first communication passage and exhausting the gas from the second communication passage when supplying melted resin into the mold to form the resin portion. Such a method is exemplified by Figure 8 of the drawings. Regarding claims 4-5, the prior art does not disclose or suggest, alone or in combinations, an optical module having all the recited features including, in particular, defining the first and second communication passages by the flat surfaces of the ferrule and an inner peripheral surface of the member or defining the first and second communication passages by the grooves of the ferrule and an inner peripheral surface of the member. As stated in the specification, these communication passages are useful for supplying pressurized gas during the molding process to prevent contamination from volatile gases created by the molding resin.

#### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5,940,561 discloses a ferrule with grooves for mounting alignment pins.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Rojas whose telephone number is (703) 305-8528 and whose e-mail address is *omar.rojas@uspto.gov*. The examiner can normally be reached on Monday-Friday (7:00AM-3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hemang Sanghavi, can be reached on (703) 305-3484. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722 for regular communications. The examiner's personal work fax number is (703) 746-4751.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Omar Rojas  
Patent Examiner  
Art Unit 2874

or  
June 5, 2003

  
HEMANG SANGHAVI  
PRIMARY EXAMINER